

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

U.S. SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

-vs-

Case No. 06-14891
Hon: AVERN COHN

J.T. BATTEMBERG, PAUL FREE, MILAN
BELANS, JOHN BLAHNIK, and CATHERINE
ROZANSKI,

Defendants.

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AMENDMENT TO TRIAL ORDER (Doc. No. 216)

This is a securities fraud case. It is set for a jury trial to start on October 18, 2010. On August 31, 2010, the Court held a final pretrial conference. This Amendment memorializes the matters discussed at the conference.

1. There likely will be four (4) defendants going to trial: J.T. Battenberg, Paul Free, Milan Belans and Catherine Rozanski. It is anticipated that the claims against John Blahnik will be resolved short of trial. In any event, the SEC's claims against Blahnik are severed.

2. The Warranty Reserve transaction and the European Factoring transaction have been withdrawn by the SEC as a claimed basis for liability. Thus, there are four (4) transactions at issue: the Warranty Settlement; the PGM transaction with Bank One; the Core and Batteries transaction; and the EDS Payment.

3. The parties shall advise the Court by September 3, 2010, of the number of trial hours for direct testimony and cross-examination of the opposing parties' witnesses they require. Opening and closing arguments are not included. After being so advised, the Court will enter an order limiting each party's trial time hours in conformity with what the parties advise the Court. The Court in setting trial hours is not bound by what the parties advise.

4. Deposition testimony of a witness shall include both the SEC and defendants' examination. Any objections to deposition testimony shall be resolved prior to reading. If necessary, the Court will address objections on September 23, 2010 at 2:00 pm. The parties may participate by telephone.

5. When a witness is called by the SEC in its case-in-chief, the jury shall be told whether the testimony of the witness applies to all four transactions or to a particular transaction(s) or both.

6. The Court will hold a hearing on the motions *in limine* on **September 23, 2010 at 2:00pm.** The parties may participate by telephone.

7. The parties shall lodge with the Court amended witness lists and amended exhibit lists together with exhibit books prior to trial. Exhibits shall be separately listed by transaction or if common to all transactions. Care should be taken in the manner in which exhibits are listed, since each juror shall have a book(s) of the SEC's exhibits and a book(s) of the defendants' exhibits.

8. An agreed-upon verdict form and jury instructions on the law of the case shall be lodged with the Court by October, 4, 2010.

Any objections to this order shall be lodged with the Court within 48 hours.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: September 2, 2010

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, September 2, 2010, by electronic and/or ordinary mail.

S/Michael Williams
Case Manager, (313) 234-5160